

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Henry K. Zappia ) WT Docket No. 02-55  
Request for Waiver and Extension of Time )

ORDER

Adopted: June 4, 2014

Released: June 4, 2014

By the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. Under consideration is the May 28, 2014 Request for Waiver Related to Commission November 20, 2013 Deadline for Submission of Estimates (Request) filed by the Henry K. Zappia (Zappia). Zappia seeks an extension of time until July 21, 2014 to submit a cost estimate for reconfiguration of its 800 MHz communications system. Previously, Zappia was granted an extension of time, for the same purpose, until May 30, 2014.<sup>1</sup> For the reasons set out below, the Request is granted.

II. BACKGROUND

2. Zappia operates a number of facilities in the Tucson, Arizona, area.<sup>2</sup> Zappia has entered into a contract for Motorola to plan and perform the rebanding of Zappia’s “vintage” fixed network equipment and most of Zappia’s subscribers.<sup>3</sup> For example, Zappia operates primarily employing an “unsupported Type 1 signaling which has not been the norm for Motorola equipment for a number of years.”<sup>4</sup> Much of Zappia’s subscriber equipment is also “old”.<sup>5</sup> Zappia states that he has been working with Motorola to provide a “seamless transition”.<sup>6</sup> To date, however, Motorola has not delivered its Statement of Work (SOW) to Zappia, following which Zappia would need to add estimates for internal personnel time to capture all estimated costs.<sup>7</sup> Zappia notes that Motorola intended to deliver a “first draft” of the SOW by May 30, 2014, but Motorola now estimates delivery of a final document by July 15, 2014.<sup>8</sup> Zappia estimates an additional five days (*i.e.* July 21, 2014) to create final cost estimates for internal staff and associated vendors.<sup>9</sup>

<sup>1</sup> Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Order*, 29 FCC Red 2163, Appendix A (PSHSB 2014).

<sup>2</sup> Request at 1.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 3.

### III. DECISION

3. Section 1.46(a) of the Commission's rules states that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted."<sup>10</sup> The Bureau has emphasized that the "import of that rule is especially relevant to 800 MHz rebanding where delay in rebanding by one licensee can cause a 'domino effect' delay in the rebanding efforts of other licensees that have met the Commission's 800 MHz band reconfiguration deadlines with a consequent delay of the overall program. We therefore afford a high degree of scrutiny to the reasons licensees advance for extensions of time."<sup>11</sup>

4. We have applied the requisite high degree of scrutiny to Zappia's Request and find that Zappia has exercised diligence but has been prevented from preparing its cost estimate for submission to Sprint Corporation and the 800 MHz Transition Administrator by the lack of a timely SOW and cost proposal from Motorola. Motorola's delay in providing its SOW and cost proposal is a matter apparently outside Zappia's control. Therefore, we are granting Zappia's Request. We remain concerned that Motorola, the vendor for many Mexico border area U.S. licensees, is the source of delay underlying several requests for extension of time by rebanding licensees, and we urge Motorola to devote sufficient resources to the rebanding effort in the Mexico border area.

### IV. ORDERING CLAUSES

5. Accordingly IT IS ORDERED, that the Request for Waiver Related to Commission November 20, 2013 Deadline for Submission of Estimates, submitted May 28, 2014 by Henry K. Zappia, IS GRANTED.

6. IT IS FURTHER ORDERED, that Henry K. Zappia, shall file a cost estimate with Sprint Corporation and the 800 MHz Transition Administrator on or before July 21, 2014.

7. IT IS FURTHER ORDERED that, if Henry K. Zappia fails to file a cost estimate with Sprint Corporation and the 800 MHz Transition Administrator by July 21, 2014, Henry K. Zappia shall file a further request for extension of time within which to do so, in which Henry K. Zappia, sets forth its efforts to comply with the instant *Order*, being specific as to dates and descriptions of those efforts.

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<sup>10</sup> 47 C.F.R. § 1.46(a).

<sup>11</sup> Regents of the University of California, WT Docket No. 02-55, *Order*, 28 FCC Rcd 15920, 15921 (PSHSB 2013).

8. This action is taken under delegated authority pursuant to Sections 0.191(a) and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191(a), 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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